

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE: AMARANTH NATURAL GAS	:	
COMMODITIES LITIGATION	:	<u>ECF Case</u>
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This Document Relates to:	:	Case No.: 07 Civ. 6377 (SAS)
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ALL ACTIONS	:	
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AFFIDAVIT OF BRIJESH P. DAVE

DISTRICT OF COLUMBIA)	
	:	
	ss.:	
CITY OF WASHINGTON)	

BRIJESH P. DAVE, being duly sworn, deposes and says:

1. I am an attorney at the law firm of Simpson Thacher & Bartlett LLP, attorneys for defendant Matthew Donohoe in this case. I am fully familiar with all of the matters set forth in this affidavit, either from personal knowledge or from my review of the file in this matter. I submit this affidavit in support of Mr. Donohoe's motion to dismiss the Plaintiffs' Corrected Consolidated Amended Class Action Complaint ("Complaint") pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b).

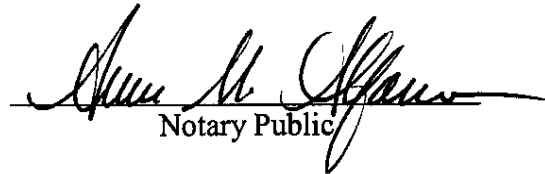
2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of an instant message communication between Brian Hunter and Matthew Calhoun, dated February 24, 2006, 12:10 PM, as appended to the CFTC Complaint of July 25, 2007. This document is cited in paragraph 109 of the Complaint.

3. Attached hereto as Exhibit 2 is a true and correct copy of an instant message communication between Brian Hunter and Matthew Donohoe, dated February 24, 2006, 2:14 PM, as appended to the CFTC Complaint of July 25, 2007. This document is cited in paragraph 116 of the Complaint.



BRIJESH P. DAVE

Sworn to before me this
28th day of April, 2008.


Notary Public

Anne M. Alfano
Notary Public, District of Columbia
My Commission Expires 01/14/2011